IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 30TH NOVEMBER 2007 / 9TH AGRAHAYANA 1929

CRP.No. 1049 of 2007()

AA.20/2003 of APPELLATE AUTHORITY (LR), ALAPPUZHA
OA 11/89 of Land Tribunal, Pathanamthitta.

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REVN. PETITIONER: APPELLANT/APPLICANT:

KANNAN PODIYAN,
PALAKKATTU VEEDU, CHETTAKKAL, EDAMON P.O.,RANNY.

BY ADV. SRI.B.PREMOD

RESPONDENTS:Respondents/Respondents

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1. GEETHAMBIKA,
BHADRESWARATHU, EDAMON P.O., RANNY.

2. RAMABHADRAN NAIR,
BHADRESWARATHU, EDAMON P.O. RANNY.

3. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 30/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.Krishnan, J.

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C.R.P.No.1049 of 2007

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Dated this the 30th day of November, 2007.

ORDER

This revision petition is preferred against the order of the Appellate Authority in A.A.No.20 of 2003. Revision Petitioner claims kudikidappu right over the property and the Land Tribunal has dismissed the same. Aggrieved by that he has preferred a revision. It is unfortunate to say that the order does not disclose that the Appellate Authority has applied its mind or considered the question involved before passing the judgment in the case. It is just written that he heard the arguments, perused the records and confirmed the order of the Land Tribunal. It shall not be the method to dispose of the case because the questions involved are; one there is an issue regarding non-joinder of necessary parties and secondly it is stated that the revision petitioner himself has got some extent of property and that his wife has got 10 cents of property and therefore, they will not come under the purview of Section 2(25) of the Kerala Land Reforms Act. These

are all matters which the court is bound to consider after applying its mind. It has not been done in this case.

2. Therefore, the order under challenge is set aside and the matter is remitted back to the Appellate Authority to consider the matter afresh and dispose it of in accordance with law. Needless to say that the Appellate Authority after issuing notice to the party and fixing the date of appearance shall try to dispose of the matter within a period of two months from the date of first posting of the case.

Civil Revision Petition is disposed of accordingly.

M.N.Krishnan,
Judge.

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